

Tab 4

New York, NY

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1 were the multisource generic line.

2 Q. Did special offer pricing exist for
3 the BMS primary care or oncology drugs?

4 A. No.

5 Q. What about the Apothecon branded drugs?

6 A. The mature brand products, no.

7 Q. What I will do is show you a list of
8 the drugs that are the subject drugs in this case.

9 MR. EDWARDS: Sean, do you want me to
10 mark this?

11 MR. MATT: Sure.

12 MR. EDWARDS: This will be Exhibit Kaszuba 067.

13 (Exhibit Kaszuba 067, one-page list of
14 drugs, marked for identification, as of this
15 date.)

16 Q. Ms. Kaszuba, the products listed here
17 are the BMS drugs that are at issue in this case
18 and what I would like for you to tell me is
19 whether any of these drugs were ever subject to
20 special offer pricing.

21 A. No. These prices were never subject
22 to the sale prices, the special offer Apothecon

1 **products.**

2 Q. Take a look at Exhibit Kaszuba 003 once again.

3 This is a document relating to

4 Atenolol, which is a product I take.

5 I want you to turn to page 612, if you
6 would.

7 Do you see there is a phrase in this
8 document that says, "Please note that this
9 wholesale price will not reflect actual selling
10 price since Apothecon's sales of Atenolol
11 primarily at contract or special offer pricing."

12 That phrase appeared in a number of
13 documents we looked at today.

14 Do you recall that?

15 A. I recall that.

16 Q. Is it correct that that phrase only
17 applies to products that are subject to special
18 offer pricing?

19 MR. MATT: Objection, overbroad.

20 A. Correct.

21 Q. The previous sentence says this price
22 is set to establish an AWP that is competitive